

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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-x  
GARY LIEBOWITZ, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

DOW JONES AND COMPANY, INC.

Defendant

Civil Action No.  
06-CV-2198 (MGC)

-----x  
ANDREW NEWMARK, ALLAN NEWMARK,  
and BURT FAURE, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

DOW JONES AND COMPANY, INC.

Defendant

Civil Action No.  
06-CV-2992 (MGC)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, together with the supporting Declaration of Paul C. Whalen submitted herewith, and upon all pleadings and proceedings heretofore and herein, Plaintiffs Gary Lebowitz, Andrew Newmark, Allan Newmark and Burt Faure, on behalf of themselves and all other persons similarly situated, will move this Court, before the Honorable Miriam Goldman Cedarbaum, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date convenient to the Court, in accordance with Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure and Rule 6.3 of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, for an Order:

1. Certifying this action as a class action, with the Class defined as all consumers with pre-paid annual subscriptions to the Wall Street Journal Online (www.WSJ.com) (hereinafter "WSJ.com"), which were either originated or automatically renewed by Dow Jones during the period January 8, 2005 through and including January 7, 2006. Excluded from the Class are Journal in Education, Factiva and Corporate and Group subscribers to WSJ.com.;
2. Designating the named Plaintiffs Gary Lebowitz, Andrew Newmark, Allan Newmark and Burt Faure as Class representatives;
3. Designating Plaintiffs' counsel Paul C. Whalen of the Law Office of Paul C. Whalen and Curtis Trinko and Jennifer Traystman of The Law Offices of Curtis Trinko, LLP as Class counsel; and
4. For such other relief as the Court deems proper.

Dated: June 15, 2011  
Manhasset, NY

Respectfully submitted,

THE LAW OFFICE OF  
PAUL C. WHALEN, P.C.

\_\_\_\_\_/s/\_\_\_\_\_  
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LAW OFFICES OF  
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\_\_\_\_\_/s/\_\_\_\_\_  
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***Attorneys for Plaintiffs and the  
Proposed Class***

**CERTIFICATE OF SERVICE**

Paul C. Whalen, a member in good standing of the bar of this Court and counsel for Plaintiffs in this action, certifies that on June 15, 2010 the accompanying documents were served on counsel for Defendant indicated below by first class mail:

- Plaintiffs' Memorandum Of Law In Support Of Motion For Class Certification
- Declaration Of Paul C. Whalen In Support Of Plaintiffs' Motion For Class Certification
- [Proposed] Order Granting Plaintiffs' Motion For Rule 23 Class Certification
- Letter To The Honorable Miriam Goldman Cedarbaum

Randy M. Mastro, Esq.  
Gibson Dunn & Crutcher LLP  
200 Park Avenue  
New York, NY 10166-0193

Further, I certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

\_\_\_\_\_/s/\_\_\_\_\_  
Paul C. Whalen (PW-1300)